**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 12355 of 2007**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE MR SHAH**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**MULJI NATHA KOCHARA - Petitioner(s)**
**Versus**
**COLLECTOR & 3 - Respondent(s)**

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**Appearance :**
MR BY MANKAD for Petitioner(s) : 1,
MR PATHIK ACHARYA, ASST. GOVERNMENT PLEADER for Respondent(s) : 1,
None for Respondent(s) : 2 - 4.

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**CORAM : HONOURABLE MR.JUSTICE MR SHAH**

**Date : 08/05/2007**

**ORAL JUDGMENT**

1. By way of this petition under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction

and/or order to quash and set aside the order dated 21.9.2006 at Annexure- F passed by the respondent No.3 – Mamlatdar, Mundra by further directing the Mamlatdar to certify the entry No.772 with regard to land admeasuring A-5 G-18 in Survey No. 180/4 of Tunda Village in Mundra Taluka. Another prayer is to direct the Deputy Collector – respondent No.2 herein to hear and decide the appeal preferred by the petitioner as expeditiously as possible.

2. Considering the fact that the petitioner has already preferred appeal before the Deputy Collector which is numbered as Appeal No. 14 of 2006 challenging the order passed by the Mamlatdar, Mundra dated 21.9.2006 and the petitioner has already availed of alternative remedy, prayer in terms of paragraph – 13 (a) to quash and set aside the said order cannot be granted. So far as prayer in terms of paragraph – 13 (b) directing the Deputy Collector – respondent No.2 herein to hear and decide the appeal preferred by the petitioner as

expeditiously as possible is concerned, considering the fact and as it is alleged that the petitioner is aged 70 years and is a senior citizen, Deputy Collector – respondent No.2 herein is directed to decide and dispose of the appeal No. 14 of 2006 as early as possible preferably within a period of 6 months from the date of receipt of this order.

3. Rule is made absolute to the aforesaid extent, however, there shall be no order as to costs.

[ M.R.Shah, J. ]

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